

Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13E)

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
- (a) there will be a general presumption against development on sites of less than 1,000m² for open storage uses and 2,000m² for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
 - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Similar s.16 Applications within the same "REC" Zone
on the draft Lau Fau Shan and Tsim Bei Tsui OZP
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Reasons</u>
1	A/YL-LFS/250	Temporary Open Storage of Marble, Construction Material, Small-scale Construction Machinery and Tools, Construction/Road Safety Goods and Components with 4 Loading/Unloading Spaces (3 Years)	R(E), REC	19.4.2013 by RNTPC	1, 3-7, 10, 11, 13, 14, 16-18
2	A/YL-LFS/255	Temporary Open Storage (Marbles, Construction Material, Aluminium cans and frames, Small-scale Machinery, cars and lorries for export, mini raising platforms and ancillary workshop and unloading/unloading spaces) (3 Years)	R(E), REC	13.12.2013 by RNTPC	1-7, 10, 11, 13, 14, 16, 17, 19
3	A/YL-LFS/260	Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles (3 Years)	REC	25.4.2014 by RNTPC	1-8, 14, 16, 17
4	A/YL-LFS/272	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 Years)	R(E), REC	27.3.2015 by RNTPC	2-7, 10-17
5	A/YL-LFS/283	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 Years)	R(E), REC	19.2.2016 by RNTPC	1, 3-7, 9-11, 13-17
6	A/YL-LFS/293	Renewal of Planning Approval for Temporary "Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles" (3 Years)	REC	7.4.2017 by RNTPC	1, 3-7, 9, 13, 14, 16, 17

Approval Condition(s)

1. The submission and implementation of landscaping and tree preservation proposals.
2. The submission and implementation of drainage facilities proposals.
3. Revocation clauses.
4. Reinstatement clause.
5. The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS 251).
6. The submission and implementation of fire service installations.
7. No night-time operation/no operation on Sundays and public holidays.

8. The provision of fencing of the site.
9. Maintenance of existing fencing on the site at all times during the planning approval period.
10. No cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity.
11. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
12. Maintenance of existing trees on-site in good condition at all times during the planning approval period.
13. Maintenance of drainage facilities on site and/or submission of a condition record of the existing drainage facilities.
14. No vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle is allowed to enter, park or operate at the site at any time
15. No materials are allowed to be stored within 3m from the south-western boundary of the site at any time during the planning approval period.
16. No vehicle over 10m long, including container vehicle/trailer/tractor as defined in the Road Traffic Ordinance, was allowed to enter, exit, park or operate at the site at any time during the planning approval period
17. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times
18. The removal of the excessive structures on the site
19. No toilet facility is allowed on site at anytime

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/182	Temporary Open Storage of Construction Machinery and Material (3 Years)	R(E), REC	19.9.2008 by RNTPC	1-4

Rejection Reasons

1. The development was not in line with the planning intention of the "Residential (Group E)" and "Recreation" ("REC") zones which was primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board (TPB), and for recreational developments for the use of the general public respectively. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis.
2. The development was not compatible with the nearby residential dwellings.
3. The development was not in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no previous planning approval granted for the site and there were adverse departmental comments from concerned Government departments on the environmental aspect against the application. There was also insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.
4. No previous planning approval had been given for this part of the "REC" zone. The approval of the application would set an undesirable precedent and encourage other similar applications for similar development within this part of the "REC" zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area.

Detailed comments of concerned Government department

**Detailed comments of Chief Engineer/Mainland North, Drainage Services
Department (CE/MN, DSD)**

- (a) He has no objection in principle to the proposed application from drainage point of view. He provides comments on the submitted drainage proposal at below:
- (i) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
 - (ii) The existing natural watercourse to the north of Site, to which the applicant proposed to discharge the stormwater from the Site was not maintained by this office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted.
 - (iii) In case industrial effluent is generated from the Site, surface water shall be treated by means of petrol interceptor before being discharged, subject to EPD's comment.
 - (iv) Consideration should be given to provide grating for the surface channels.
 - (v) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (vi) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (vii) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (viii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (ix) Where walls or hoarding are erected are laid along the site boundary,

adequate opening should be provided to intercept the existing overland flow passing through the Site.

- (x) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (xi) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

**消防處發出之露天貯存用地良好作業指引
Good Practice Guidelines for Open Storage issued by the Director of Fire Services**

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from Deep Bay Road through both Government Land (GL) and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on Site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (c) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that the applied use of “Proposed Temporary Open Storage of Construction Machinery” would generate traffic flow of medium goods vehicles / heavy goods vehicles. Given that the Site is proposed to be accessed through Deep Bay Road which is a single track road with passing bays, additional traffic flow of medium goods vehicles / heavy goods vehicles to Deep Bay Road is undesirable and the associated traffic impact shall be assessed by the Applicant;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (e) to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department, especially S(4) concerning water quality. Drainage channels and an oil interceptor should be installed to reduce pollutants from the site run-off;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised to set back the storage area away from the tree root zone (i.e. the dripline of the trees) of the existing trees and new proposed tree planting. Stacking and storage of materials within the dripline would likely damage the root system underground and damage the tree trunk and tree canopy aboveground. The applicant is reminded that approval of the landscape proposal under S.16 or Approval Condition does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside site in particular, the Applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt necessary measures to avoid causing pollution or disturbance to the

watercourse to the north of the site;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;
- (i) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Good Practice Guidelines for Open Storage should be adhered to. The applicant should submit a valid fire certificate (FS251) to his department for approval and is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
 - (i) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
 - (ii) The existing natural watercourse to the north of Site, to which the applicant proposed to discharge the stormwater from the Site was not maintained by this office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted.
 - (iii) In case industrial effluent is generated from the Site, surface water shall be treated by means of petrol interceptor before being discharged, subject to EPD's comment.
 - (iv) Consideration should be given to provide grating for the surface channels.
 - (v) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (vi) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (vii) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.

- (viii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (ix) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (x) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (xi) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.